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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/045,257	10/25/2001	Ernst-Michael Hamann	DE920000075US1	2305

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EXAMINER

CHEN, ALAN S

ART UNIT PAPER NUMBER

2182

DATE MAILED: 04/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/045,257

Applicant(s)

HAMANN ET AL.

Examiner

Alan S Chen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11 and 17 is/are rejected.
- 7) ☒ Claim(s) 10, 12-16, 18 and 19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 10, 11, 16, 17, 18 and 19 are objected to because of the following informalities: applicant applies short-hand drafting to make claims appear dependent, but the aforementioned claims are clearly independent claims as indicated by their distinct preambles. Applicant's Deposit Account #: 09-0468 will be charged \$1,000 for an additional five independent claims (there are five independent claims in excess of three) as per 37 CFR 1.16(h) as authorized in the 10/25/2001 transmitted letter.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 2, 5-7 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 2 recites the limitation "said I/O devices" in second line. There is insufficient antecedent basis for this limitation in the claim. Under the broadest reasonable interpretation of the claims, Examiner interprets I/O devices to be any I/O device that can be attached to the system.

5. Claims 5-7 are rejected based on a rejected base claim.

6. Claim 11 recites the limitation "a method according to claim 8" in line one. There is insufficient antecedent basis for this limitation in the claim. Claim 8 recites a data processing system. Examiner interprets claim 11 as an independent claim that should read along the lines of

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“A method for accessing readers by means of a system according to claim 8...” data processing system.

7. Claim 11 recites the limitation "said routine" in line one. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-9 and 17 are rejected under 35 USC 103(a) as being unpatentable over US Pat. No. 5,928,347 to Jones.

10. As per claims 1, 9 and 17, Jones discloses data processing system, client-server system and computer program product comprising: an I/O port for establishing connection between said system (Fig. 3, element 10 is the system) and readers (Fig. 3, all the interfaces to devices in Fig. 3 are intrinsically ports to connect to devices); a program having the functionality to communicate with said readers via said I/O port (Column 5, lines 50-65, multimedia features and LCD/control panel require software for operation; Column 8, lines 15-21); an operating system providing access to said program to said readers characterized by the further components (Column 8, lines 28-30 indicate operating system/BIOS which intrinsically allow hardware to interoperate). Jones discloses the ability to interface the readers with a program that specifies functionality, e.g., the multimedia access functions such as viewing images and playing/stopping music, etc. Note the client and server functionalities are can be separated out based on the who

initiated the communications and who is the target of the communications. The computer program product has computer code and computer usable medium as shown in Fig. 2, element 30 (as per claim 17).

Jones does not disclose expressly a reader access layer component for determining the reader to be accessed according to the access conditions specified by said configuration tool.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to see that Jones indeed has a reader access layer that operates by determining the specific reader corresponding to the functionality the user wishes to use. For instance, the user pushes play, it is clear that the causal event will trigger the operating system and associated multimedia program to signal to the system to read from the specific reader that contains the memory card which holds the music data, e.g., reader 54. The reader access layer here can be the interface to the memory card, e.g., Fig. 3, element 54, or the IDE interface, e.g., Fig. 3, element 70.

The motivation for this is clearly seen in Fig. 3, where multiple readers have access to a single bus and therefore requiring determination of who is currently the master of the bus.

Therefore, it would have been obvious that Jones has a configuration tool and read access layer that allows the determination of which device is to be accessed since there are multiple devices that share a common bus.

11. As per claims 2 and 4-8, Jones discloses claim 1, wherein an I/O device that is attached is a communication link (Fig. 2, element 124 or 134) and the configuration tool (Fig. 2, element 30, the bus controller) has access to reader access list (all the devices connected to the shared bus) and knows who has priority (e.g., who is given mastership of the bus).

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12. As per claim 3, Jones discloses claim 1, wherein said configuration tool may be an integral part of said program (the operation of the multimedia functions are intrinsically relies on the interoperation of the bus controllers, the operating system and the specific multimedia program).

*Allowable Subject Matter*

13. Claims 10, 12-16, 18 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is the statement of reasons for the indication of allowable subject matter: The prior art disclosed by the applicant and cited by the Examiner fail to teach or suggest, alone or in combination, a method for accessing readers by means of claim 1, comprising steps of sending a request to use reader from said program to reader access layer and using the reader access list to help carry out a routine that identifies an available reader with highest priority and returns the result to said program.

14. Claim 11 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is the statement of reasons for the indication of allowable subject matter: The prior art disclosed by the applicant and cited by the Examiner fail to teach or suggest, alone or in combination, a method for accessing readers by means of a system according to claim 8, wherein said method comprises the steps of: identifying the reader with the highest priority using the reader access list; examining the availability of said particular reader; in the reader is not

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available, identify the next reader with the next lower priority and repeat until an available reader is identified.

*Conclusion*

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to card readers and determination of devices to access:

U.S. Pat. No. US006438638B1 to Jones et al.

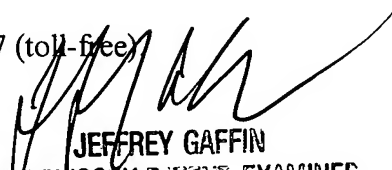
U.S. Pat. No. US005898845A to Frantz et al.

U.S. Pat. No. US006286060B1 to DiGiorgio et al.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan S Chen whose telephone number is 571-272-4143. The examiner can normally be reached on M-F 8:30am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A Gaffin can be reached on (571) 272-4146. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
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